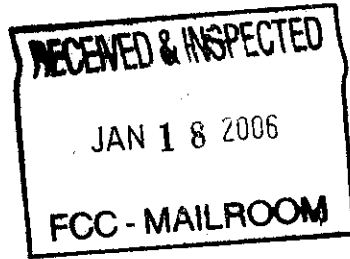


Christopher Weinstock
Executive Vice President
Deputy General Counsel



 **Countrywide®**
HOME LOANS
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PTX - B - 455
PLANO, TX 75024

January 17, 2006

Secretary, Federal Communications Commission
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: CG Docket No. 05-338
Notice of Proposed Rule Making, Junk Fax Prevention Act of 2005

Dear Secretary:

Countrywide Home Loans, Inc. ("Countrywide") is pleased to submit comments on behalf of the companies in the Countrywide Financial Corporation family in connection with the Commission's Notice of Proposed Rule Making ("NPRM") implementing the Junk Fax Prevention Act of 2005 (the "Act"). Through its family of companies, Countrywide provides mortgage banking and diversified financial services in domestic and international markets. Countrywide is committed to honoring customer, client and partner's requests to not receive unwanted facsimile advertisements and also to delivering timely information about products and services to customers and business partners. While Countrywide does not utilize unsolicited facsimile advertisements when marketing its products and services to consumers, it does send facsimile "advertisements" to its business partners and clients with whom it has an established business relationship, such as rate sheets to mortgage brokers who have entered contracts to broker loans to Countrywide.

On December 9, 2005, the Commission released its NPRM and requested comment on a number of proposed changes to its rules on unsolicited facsimile advertisements. Of particular interest to Countrywide were the proposed rule changes regarding the definition and scope of the "Established Business Relationship," elements of the proposed rules regarding the "Notice of Opt-Out Opportunity," and the impact of a "Request to Opt-Out of Future Unsolicited Advertisements." Our comments on these proposals are submitted in the spirit of permitting appropriate and timely delivery of market information to established business partners via fax, while eliminating the dissemination of unwanted fax advertising.

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Definition and Scope of the Established Business Relationship

Countrywide agrees with the rule making premise that an Established Business Relationship (EBR) is sufficient to manifest express consent or permission to send unsolicited facsimile advertisements. Countrywide further agrees with the Commissions proposal to model the time limitations of the EBR on the existing rules regarding telemarketing calls.

With regard to the request for comment on the parameters of what it means to provide a facsimile number within the context of an EBR, we believe that, especially in light of the enhanced notice of opt-out rights required by the Act and the proposed rule, it is not appropriate to require senders to verify that recipients have voluntarily agreed to list their fax numbers on lists that are made publicly available. Senders should be able to rely on such lists where there is an EBR.

Notice of Opt-Out Opportunity

The Commission seeks comment on the "clear and conspicuous" requirement for the notice of opt-out opportunity. We believe opt-out language is "clear and conspicuous" if it is on page one of the facsimile cover sheet or first page of the solicitation, and is no smaller than the font size of the other material. In the alternative, the Commission might suggest a minimum type size of 8pt font and placement on the first page of the transmission.

Countrywide agrees that 30 days is an appropriate time frame for responding to any opt-out request and strikes an appropriate balance between the request of the recipient and the legitimate business needs of the sender.

With regard to "cost free" mechanisms for transmitting a do-not-fax request, we believe that the Commission might suggest alternatives in a final rule that, if utilized by a sender, would qualify as "cost free" -- such as toll-free telephone numbers, internet or email methods. Countrywide also believes that senders should have a safe harbor from liability for alleged violations of do-not-fax requests, when the recipient does not use the designated cost-free mechanism for communicating such a request. Finally, offering one cost-free alternative should be sufficient under the rule.

Request to Opt-Out of Future Unsolicited Advertisements

Regarding the requests for comment found at paragraph 25 of the NPRM, Countrywide encourages the Commission to make it clear in any final rule, in the context of a business-to-business relationship, the ability to fax advertisements applies to any fax number for that recipient unless and until such time as the recipient exercises their right to opt-out of receiving future facsimile advertisements *at that particular number*. Countrywide engages in business relationships with other large business entities with multiple locations and multiple facsimile numbers. It is possible that a particular

employee of a Countrywide business partner or client may not wish to receive facsimiles at one such number, while many other employees of the same entity in other office locations wish to continue to the EBR and receive fax "advertisements" from Countrywide at other numbers. The final rule should make it clear that an opt-out request under these, or similar circumstances, does not operate as a blanket "opt-out" of all facsimile advertisements unless a recipient makes such a request. Under the rules adopted pursuant to the CAN-SPAM Act, the Federal Trade Commission allows senders to designate a "menu" of opt out choices, so long as one of those choices is to opt out of all future commercial emails. Countrywide requests the Commission to include language similar to CAN-SPAM in any final rule, allowing senders to offer recipients the flexibility to designate only certain facsimile numbers as not accepting future advertisements or make a blanket opt-out for all numbers.

Conclusion

Countrywide is committed to honoring customer, client and partner's requests to not receive facsimile advertisements that they do not want and supports the Commission's efforts to implement the provisions of the Act. Countrywide appreciates the opportunity to comment on this very important matter and would welcome the opportunity to discuss these comments further or answer questions that the Commission staff may have regarding our views on this issue. Feel free to contact me at 818-871-5231 with any questions about these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Weinstock" followed by a stylized flourish.

Christopher Weinstock